

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS

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ASSOCIATED BUILDERS AND CONTRACTORS OF  
TEXAS, INC., et al.,

Plaintiffs,

v.

NATIONAL LABOR RELATIONS BOARD,

Defendant.

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Case No. 1:15-CV-00026-RP

**DEFENDANT NATIONAL LABOR RELATIONS BOARD'S  
PARTIAL MOTION TO DISMISS AND CROSS-MOTION FOR SUMMARY JUDGMENT**

The Defendant, National Labor Relations Board (Board), hereby moves pursuant to Federal Rule of Civil Procedure 12(b)(1) to dismiss portions of Plaintiffs' complaint. Specifically, the Board moves for dismissal of Plaintiffs' statutory and constitutional claims as to amendments 5, 7-11, 15, and 17 contained in the Board rule at issue in this case. *See Representation—Case Procedures*, 79 Fed. Reg. 74308 (Dec. 15, 2014). The Board additionally moves for summary judgment pursuant to Federal Rule of Civil Procedure 56. In support of this motion, the Board directs the Court's attention to the accompanying Memorandum.

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Dated: March 9, 2015

**CERTIFICATE OF SERVICE**

I hereby certify that on March 9, 2015, the foregoing was served on the following via electronic ECF filing:

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